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### REMARKS

The original parent application (U.S. Patent Appln. Ser. No. 09/314,847, filed May 19, 1999, now U.S. Patent No. 6,365,410) was originally filed with 48 Claims. Patent No. 6,365,410 contains Claims that correspond to Claims 1-3, 11-24, and 28-48 of the originally filed application. In the currently pending Divisional application (U.S. Patent Appln. Ser. No. 10/037,677) to which the present Continuation application claims priority, was filed on October 23, 2001, all of the Claims were cancelled and new Claims 49-58 (which correspond to originally filed Claims 4-10 and 25-27) were added. In a Preliminary Amendment filed November 20 2003, with the present Continuation application, original Claims 1-48 were cancelled and new Claims 49-71 added.

Applicants thank the Examiner for catching the typographical error in the identification of US Pat. No. 6,706,503 in the Remarks of the previous Office Action Response. As the Examiner indicates, the correct patent number is recited in the Terminal Disclaimer. Applicants also note that the amendment to the Specification correctly recites this patent number in the priority claim. Applicants most appreciatively note that the Examiner has indicated that Claims 49-54 and 56-70 are allowable. The Examiner's sole remaining rejection is a §112, first paragraph rejection against Claim 71, arguing that there is no written description support for homologues of *mutD*. Although Applicants believe that there is sufficient support in the Specification as filed for this Claim, in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, Applicants have amended Claim 71 to remove the recitation of homologues. Applicants expressly reserve the right to prosecute the originally filed, similar and/or broader Claims in additional application(s). As the Examiner has admitted that the present Specification teaches various mutations of *mutD*, Applicants respectfully submit that the amended Claim 71 is allowable and request that this rejection be withdrawn.


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### CONCLUSION

In light of the above remarks, the Applicants believe the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application and/or if there are any questions regarding the present Response and/or application, the Examiner is invited to telephone the undersigned at (650) 846-5838.

Respectfully submitted,

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